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10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Statement of Issues
14 Against:

15 **TERRA ELAINE COFFIN**
16 **1561 Lagos St., #2**
San Mateo, California 94403

17
18 Applicant.

Case No. *2012-49*

STATEMENT OF ISSUES

19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in
22 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs.

24 2. On or about April 13, 2011, the Board of Registered Nursing, Department of
25 Consumer Affairs received an application for a Registered Nursing License from Terra Elaine
26 Coffin (Applicant). On or about March 10, 2011, Terra Elaine Coffin certified under penalty of
27
28

1 perjury to the truthfulness of all statements, answers, and representations in her application. The
2 Board denied the application on June 27, 2011.

3 JURISDICTION

4 3. This Statement of Issues is brought before the Board of Registered Nursing (Board),
5 Department of Consumer Affairs, under the authority of the following laws. All section
6 references are to the Business and Professions Code unless otherwise indicated.

7 STATUTORY PROVISIONS

8 4. Section 2736 of the Business and Professions Code (Code) provides, in pertinent part,
9 that the Board of Registered Nursing (Board) may deny a license when it finds that the applicant
10 ~~has committed any acts constituting grounds for denial of licensure under section 480 of that~~
11 Code.

12 5. Section 480 of the Code states:

13 "(a) A board may deny a license regulated by this code on the grounds that the applicant has
14 one of the following:

15 "(1) Been convicted of a crime. A conviction within the meaning of this section means a
16 plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a
17 board is permitted to take following the establishment of a conviction may be taken when the
18 time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when
19 an order granting probation is made suspending the imposition of sentence, irrespective of a
20 subsequent order under the provisions of Section 1203.4 of the Penal Code.

21 "(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially
22 benefit himself or herself or another, or substantially injure another.

23 "(3) (A) Done any act that if done by a licentiate of the business or profession in question,
24 would be grounds for suspension or revocation of license.

25 "(B) The board may deny a license pursuant to this subdivision only if the crime or act is
26 substantially related to the qualifications, functions, or duties of the business or profession for
27 which application is made.

1 "(b) Notwithstanding any other provision of this code, no person shall be denied a license
2 solely on the basis that he or she has been convicted of a felony if he or she has obtained a
3 certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of
4 Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has
5 met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate
6 the rehabilitation of a person when considering the denial of a license under subdivision (a) of
7 Section 482.

8 "..."

9 6. Section 2761 of the Code states:

10 ~~"The board may take disciplinary action against a certified or licensed nurse or deny an~~
11 application for a certificate or license for any of the following:

12 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

13 "..."

14 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
15 functions, and duties of a registered nurse, in which event the record of the conviction shall be
16 conclusive evidence thereof.

17 "..."

18 7. Section 2762 of the Code states:

19 ¹In addition to other acts constituting unprofessional conduct within the meaning of this
20 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
21 chapter to do any of the following:

22 "..."

23 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
24 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
25 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
26 himself or herself, any other person, or the public or to the extent that such use impairs his or her
27 ability to conduct with safety to the public the practice authorized by his or her license.

"(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

“ ”

• • •

8. Section 493 of the Code states:

"Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

"As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and 'registration.'"

REGULATORY PROVISIONS

9. California Code of Regulations, title 16, section 1444, states:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

“ ”

“(c) Theft, dishonesty, fraud, or deceit.

“ ”

///

1 FIRST CAUSE FOR DENIAL OF APPLICATION

2 (Substantially Related Convictions)

3 10. Applicant Terra Elaine Coffin's application is subject to denial under Code section
4 2761, subdivisions (a) and (f), Code section 2762, subdivision (c), and Code section 480,
5 subdivision (a)(1), pursuant to Code section 493 and as defined in title 16, section 1444(c), of the
6 California Code of Regulations, based on the following:

7 a. On or about January 14, 2003, in a criminal proceeding entitled *People v. Terra*
8 *Elaine Coffin*, San Mateo Superior Court Case No. J241481, the Applicant was convicted by her
9 plea of nolo contendere to two counts of the misdemeanor violation of Penal Code section
10 460(b)(burglary, 2nd degree). Imposition of the sentence was suspended and the Applicant was
11 placed on Court Probation for a period of two (2) years with directives to obey all laws, follow all
12 orders of the Court/Probation Officer and report as directed; notify the Court/Probation Officer
13 immediately of any change of residence; submit in person/vehicle/place of residence to search
14 and seizure at any time of day or night, by any law enforcement officer, with or without a warrant
15 and with or without probable cause. The Court further ordered the Applicant to serve fifteen (15)
16 days in county jail, to be served consecutive with any other case of the Applicant. The Applicant
17 was recommended to the Sheriff's Work Program. She was ordered to pay fines and fees
18 assessed by the Court, granted a stay to pay the fines, and then ordered to make equal,
19 consecutive, monthly payments.

20 b. On or about May 16, 2003, in the criminal proceeding *People v. Terra Coffin*,
21 Alameda County Superior Court, Wiley W. Manuel Courthouse, Case No. 484993, in a
22 negotiated plea, the Applicant was convicted by her plea of no contest to the misdemeanor
23 violation of Penal Code section 415 (fighting; noise; offensive words). The Applicant was
24 granted two (2) years of conditional probation. The Court further ordered the Applicant to stay
25 away from areas of prostitution, to view an AIDS video, and to pay Court assessed fines and fees.
26 The Applicant was granted two (2) days credit for time served.

27 c. On or about October 28, 2003, in the criminal proceeding *People v. Terra Elaine*
28 *Coffin*, Santa Clara County Superior Court, Wiley Palo Alto Facility, Case No. BB303703, the

1 Applicant was convicted by her plea of guilty to the misdemeanor violation of Penal Code section
2 666 (petty theft, with a prior conviction, to wit: California Superior Court, San Mateo County,
3 Case No. NM325546A). Imposition of the sentence was suspended for the probationary period
4 and the Applicant was granted Court probation for a period of 1 year. The Court further ordered
5 that she serve ten (10) days in jail with five (5) days credit for time served. The Applicant was
6 directed to stay out of Nordstrom and ordered to pay restitution fees.

7 d. On or about December 24, 2003, in a criminal proceeding entitled *People v. Terra*
8 *Coffin*, Alameda County Superior Court, Wiley W. Manuel Courthouse, Case No. 493878, the
9 Applicant was convicted by her plea of no contest to the misdemeanor violation of Penal Code
10 section 459 (second degree commercial burglary, to wit: Long's Drugs). Imposition of the
11 sentence was suspended and the Applicant was granted conditional probation for a period of
12 thirty-six (36) months subject to the following: be of good conduct and obey all laws; report any
13 change of residence within ten (10) days; stay away from Long's Drug Store in Emeryville; and
14 to pay fines/fees as ordered by the Court.

15 SECOND CAUSE FOR DENIAL OF APPLICATION

16 (Unprofessional Conduct)

17 11. Applicant Terra Elaine Coffin's application for a Registered Nursing License is
18 subject to denial under Code section 2761, subdivisions (a) and (f), and Code section 480,
19 subdivision (a)(1) and subdivision (a)(3)(B), in that her aforementioned convictions set forth in
20 paragraph 10, and associated subsections, constitute unprofessional conduct which would be
21 grounds for discipline if the Applicant had been licensed as a Registered Nurse.

22 THIRD CAUSE FOR DENIAL OF APPLICATION

23 (Unprofessional Conduct)

24 12. Applicant Terra Elaine Coffin's application for a Registered Nursing License is
25 subject to denial under Code section 2761, subdivision (a), and Code section 2762, subdivisions
26 (b) and (c), and Code section 480, subdivision (a)(3)(A), in that she admitted to committing acts
27 which constitute unprofessional conduct that would be grounds for discipline if the Applicant had
28 be licensed as a Registered Nurse. The circumstances are as follows:

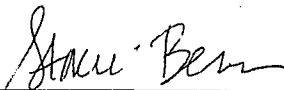
1 a. On or about February 14, 2011, the Applicant wrote to the Board regarding the
2 circumstances of her convictions. In the letter, the Applicant admitted that on or around
3 November 2001, she had begun to use crystal methamphetamine.

4 PRAYER

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
6 and that following the hearing, the Board of Registered Nursing issue a decision:

- 7 1. Denying the application of Terra Elaine Coffin for a Registered Nursing License;
8 2. Taking such other and further action as deemed necessary and proper.

9
10 DATED: 7.25-11



for LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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